

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JUNE 1, 2006**

UNAPPROVED
JULY 21, 2006

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank A. de la Fe, Hunter Mill District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
James R. Hart, Commissioner At-Large
Nancy Hopkins, Dranesville District
Ronald W. Koch, Sully District
Kenneth A. Lawrence, Providence District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Rodney L. Lusk, Lee District
Peter F. Murphy, Jr., Springfield District

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The meeting was called to order at 8:20 p.m. by Vice Chairman John R. Byers, in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Byers MOVED THAT THE JOINT PUBLIC HEARING ON PCA 2006-MV-005 AND SE 2006-MV-001, PACE-BOSWELL ASSOCIATES, LLC, BE DEFERRED TO A DATE CERTAIN OF JULY 20, 2006.

Commissioners Lawrence and Koch seconded the motion which carried unanimously with Commissioners Alcorn and Harsel not present for the vote; Commissioners Lusk and Murphy absent from the meeting.

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Commissioner Wilson MOVED THAT THE DECISION ONLY ON THE PROPOSED ZONING ORDINANCE AMENDMENT ON EDITORIAL AND OTHER MINOR REVISIONS, BE FURTHER DEFERRED TO A DATE CERTAIN OF JUNE 15, 2006, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN COMMENT.

Commissioners Lawrence and Hall seconded the motion which carried unanimously with Commissioner Harsel not present for the vote; Commissioners Lusk and Murphy absent from the meeting.

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Commissioner Alcorn MOVED THAT THE DECISION ONLY ON THE PROPOSED ZONING ORDINANCE AMENDMENT ON PORTABLE STORAGE CONTAINERS, BE FURTHER DEFERRED TO A DATE CERTAIN OF JULY 19, 2006, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN COMMENT.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Harsel not present for the vote; Commissioners Lusk and Murphy absent from the meeting.

Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION REQUEST THAT THE BOARD OF SUPERVISORS MOVE ITS PUBLIC HEARING TO A DATE SUBSEQUENT TO JULY 19, 2006.

Commissioner de la Fe seconded the motion which carried unanimously with Commissioner Harsel not present for the vote; Commissioners Lusk and Murphy absent from the meeting.

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On behalf of Commissioner Harsel, Commissioner Alcorn MOVED THAT THE PUBLIC HEARING ON 2232-B06-1, T-MOBILE NORTHEAST, LLC, BE DEFERRED TO A DATE CERTAIN OF JULY 20, 2006.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioner Harsel not present for the vote; Commissioners Lusk and Murphy absent from the meeting.

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Commissioner Alcorn noted that the Planning Commission's Environment Committee had met earlier this evening with the Environmental Quality Advisory Council to continue discussions on water quality and stream protection. He said the Committee planned to meet again to discuss a possible change to the Policy Plan to strengthen the protection of the headwaters in stream channels.

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Commissioner Alcorn announced that the Land Use Information Accessibility Advisory Group would meet on Wednesday, June 7, 2006, at 7:00 p.m., in Rooms 106/107 in the Herrity Building. He said Commissioners and the public were encouraged to attend. He added that the Group would receive presentations from those who had been involved in making land use information accessible in other jurisdictions.

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Commissioner Alcorn indicated that the Planning Commission's Transit-Oriented Development Committee would meet on Thursday, June 8, 2006, at 7:30 p.m., in Rooms 106/107 in the Herrity Building to continue discussions on guiding principles that would be added to the Policy Plan.

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Commissioner Hart noted that there would be no Planning Commission meetings next week since the Celebrate Fairfax! Fair would be held at the Government Center on Friday, June 9th through Sunday, the 11th.

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Commissioner Hart announced that William Shoup, Zoning Administrator, Zoning Administration Division, Department of Planning and Zoning, would be retiring this month and wished him the best of luck. Mr. Shoup thanked Commissioners for their patience, understanding, and kindness they had extended to him throughout his entire career with the County. He wished them the best and said he appreciated their hard work.

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CPA 86-C-121-8-3 - LERNER ENTERPRISES, LLC (Hunter Mill District) (Decision Only)
(The public hearing on this application was held on April 19, 2006. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION APPROVE CPA 86-C-121-8-3, SUBJECT TO THE NOTES ON THE CONCEPTUAL PLAN DATED MAY 16, 2006.

Commissioner Hopkins seconded the motion which carried unanimously with Commissioners Alcorn and Harsel not present for the vote; Commissioners Lusk and Murphy absent from the meeting.

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RZ 2005-HM-024 - DAVID M. LAUGHLIN AND CHARLOTTE H. LAUGHLIN (Decision Only) (The public hearing on this application was held on May 11, 2006. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2005-HM-024, SUBJECT TO THE PROFFERS DATED MAY 25, 2006.

Commissioner Hopkins seconded the motion which carried by a vote of 7-0-2 with Commissioners Alcorn and Hall abstaining; Commissioner Harsel not present for the vote; Commissioners Lusk and Murphy absent from the meeting.

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATION OF THE COMPREHENSIVE PLAN COUNTYWIDE TRAIL REQUIREMENT ALONG BEULAH ROAD, IN FAVOR OF THAT SHOWN ON THE GDP.

Commissioner Hopkins seconded the motion which carried by a vote of 7-0-2 with Commissioners Alcorn and Hall abstaining; Commissioner Harsel not present for the vote; Commissioners Lusk and Murphy absent from the meeting.

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ORDER OF THE AGENDA

In the absence of Secretary Harsel, Vice Chairman Byers noted that there was only one item on the agenda:

1. ZONING ORDINANCE AMENDMENT (YARD MODIFICATIONS)

This order was accepted without objection.

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ZONING ORDINANCE AMENDMENT (YARD MODIFICATIONS) -

To amend Chapter 112 (the Zoning Ordinance) of the 1976 Code of the County of Fairfax, as follows: (1) Establish a special permit to allow for a reduction of up to 50% of only the following yard requirements, provided that such reduction does not result in any yard of less than 5 feet: (a) yards specified in the residential, commercial, industrial, and planned development zoning districts, provided such yards are not subject to proffered conditions or development conditions that address such yards and/or are not depicted on an approved development plan or plat; (b) yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416; and (c) the accessory

structure location requirements set forth in Sect. 10-104; (2) Recodify Sect. 8-916, Provisions for Modifications to the Regulations on Permitted Extensions into Minimum Required Yards, into a new section regarding reduction of certain yard requirements; (3) Require that all such special permits for a reduction in yards shall be subject to all of the following standards and criteria: (a) no detached accessory structure may be placed in a front yard where such structure is not otherwise permitted; (b) the special permit lot must contain a principal structure use that complied with the minimum yard requirements in effect when the structure was established; (c) the maximum gross floor area of the addition to a principal structure may be up to 150% of the total gross floor area of the principal structure that existed at the time of the yard reduction request and not more than 50% of the gross floor area of the existing principal structure may be removed; (d) additions to accessory structures shall be limited such that the accessory structure remains subordinate in purpose, use, scale, and intent to the principal structure; (e) the proposed structure and use shall be in character with the existing on-site development, harmonious with the surrounding off-site uses and structures, and shall not adversely impact the use and/or enjoyment of any adjacent property, all of which shall be determined in terms of such issues as location, height, bulk, scale, topography, existing vegetation, preservation of significant trees, noise, light, air, erosion, or stormwater runoff; (4) Provide that all such special permits represent the minimum amount of reduction necessary to accommodate the proposed structure on the lot, as determined by such factors as the layout of the existing structure, availability of alternate locations, orientation of the structure on the lot, shape of the lot and associated yard designations, environmental characteristics, preservation of existing vegetation, location of easements, wells or septic fields, or preservation of historic resources; (5) Allow the Board of Zoning Appeals to impose such conditions it deems necessary to ensure compliance with these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping, and/or screening requirements; (6) Establish plat and architectural submission requirements for such special permit applications; (7) Clarify that the height of an accessory structure is measured from the highest point of the structure to the lowest point of finished ground level adjacent to the structure; and (8) Pursuant to authority granted by *Virginia Code* Sect. 15.2-2286(A)(6), establish special permit applications fees of \$295 for reduction of certain yard requirements for a single-family dwelling lot and \$2,645 for reduction of certain yard requirements for all other uses, and for amendments to previously approved proffered conditions, development plans, final development plans, conceptual development plans, concurrent conceptual/final development plans, special permits, and special exceptions establish an application fee of \$295 for reduction

of certain yard requirements for a single-family dwelling lot and \$2,645 for reduction of certain yard requirements for all other uses.
COUNTYWIDE. PUBLIC HEARING.

Donna Pesto, Zoning Administration Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the proposed Zoning Ordinance Amendment with two revisions to Paragraph 4 of Section 8-922 to add “first” before “yard reduction request” in line 3 and to add “at the time of the first yard reduction” after “structure” in the last line.

Commissioner Hart indicated that staff had conducted multiple public workshops on this Amendment and had incorporated many of the suggestions received since the last staff report. He explained that the *Cochran v. Board of Zoning Appeals* ruling had determined that in a variance case, the Board of Zoning Appeals (BZA) would be required to make a threshold determination that the Zoning Ordinance interfered with all reasonable beneficial uses of the property taken as a whole and if that was not the case, then the BZA would not have the authority to approve the variance. He added that the BZA could not consider factors, such as additional cost to the owner or lack of opposition from neighbors. Commissioner Hart pointed out that homes that had been constructed prior to 1941 when the Zoning Ordinance was first adopted and homes built prior to 1978 when the Board of Supervisors had adopted more severe minimum yard requirements were now nonconforming. He said variances had provided relief to homeowners who had difficulty modifying these older homes. He noted that after the Cochran decision, there had been no reported Virginia Supreme Court decision where a variance had been upheld. Commissioner Hart stated that the BZA continued to hear variance cases and had only granted four since the Cochran decision due to unusual circumstances. He clarified that neither the Board of Supervisors nor the Zoning Administrator had ever appealed any of the denials since the Cochran decision. He indicated that the General Assembly had amended the *Virginia Code* in 2005 to allow counties to authorize the Zoning Administrator to consider applications for modifications to Zoning Ordinance requirements.

In response to questions from Commissioner Hart, Ms. Pesto explained that the proposed Amendment did not apply to lot size or subdivision modifications, increases in density, new construction or tear-downs, Chesapeake Bay Preservation Ordinance or Public Facilities Manual amendments, or properties that had been subject to proffered conditions or development conditions related to yards and/or such yards that had been depicted on a Final Development Plan (FDP). Ms. Pesto explained that the proposed 150 percent cap would adequately facilitate a second story addition and a footprint expansion. She said an applicant would be prohibited from incrementally adding to the size of the structure since the 150 percent cap would pertain to the existing structure at the time of the first yard reduction request.

Responding to questions from Commissioner Lawrence, Ms. Pesto explained that all special permit requests would be subject to the standards proposed by this Amendment, which included: existence of a structure on a lot; addition and tear-down size limitations; topography or orientation; minimum amount of setback necessary to accommodate the existing structure on a lot; compatibility with an existing structure and surrounding structures regarding scale, bulk,

size, and height; and absence of an adverse impact on the use or development of abutting properties. She said there would be no universal lowering of the zoning standards because all requirements had to be satisfied for every request, as determined by a case-by-case basis and the underlying regulations in the specific zoning district.

In response to a question from Commissioner Alcorn, Ms. Pesto noted that staff had only received phone calls regarding this Amendment from homeowners, the majority of which had been supportive.

Responding to a question from Commissioner Hall, Ms. Pesto indicated that a tear-down referred to the removal of more than 50 percent of a structure and that tear-downs would not be eligible for a special permit under the proposed amendment.

In response to questions from Commissioner Hopkins, Ms. Pesto stated that the issue of the impervious surface lot coverage was included as part of the 2006 Zoning Ordinance Amendment Work Program and that staff would consider how to appropriately address concerns regarding runoff and visual impacts, which would apply to all zoning districts. She noted that there would be no hardship requirement for the proposed special permit process.

Commissioner Hopkins suggested adding “that there was no reasonable alternative to relief” at the end of the first sentence of Paragraph 9 of Section 8-922. Ms. Pesto replied that staff had considered this statement, but had objected to making a judgment on what would represent a reasonable alternative. She said the proposed standards would adequately accommodate a reasonable structure modification on a lot.

Commissioner Hopkins recommended changing “to be considered” to “shall be considered” in the second sentence of Paragraph 9 of Section 8-922. Ms. Pesto replied that staff had discussed this change with the County Attorney’s Office and decided against using “shall” so that the list of requirements would not be inclusive and other factors could be considered by the BZA.

Commissioner Hopkins further recommended changing “BZA may impose” to “BZA shall impose” in Paragraph 10 of Section 8-922. Ms. Pesto replied that “shall” would mandate that the BZA would always impose conditions, regardless of the situation. She said staff would discuss this proposed change with the County Attorney’s Office, noting that it would be outside the scope of advertising if accepted.

Responding to a question from Commissioner Harsel, Ms. Pesto explained that this Amendment would permit the alteration of a carport into a garage if the necessary yard reduction was not closer than five feet to the lot line and not more than 50 percent of the yard requirement.

Commissioner Alcorn suggested that speakers provide the Commission with examples of what problems might be caused by the adoption or denial of the proposed provisions of this Amendment.

Vice Chairman Byers called the first listed speaker and recited the rules for public testimony.

Sally Ormsby, 9114 Coronado Terrace, Fairfax, Chair of the Citizens Committee on Land Use and Transportation, stated that it would be difficult for staff to determine whether a requested home modification or expansion was necessary. She suggested that a standard be imposed that would limit 25 percent of the maximum impervious coverage on a lot for all residential developments. She expressed concern that minimum yard setbacks would be reduced to as little as five feet and that this reduction would apply to P-Districts, which already had reduced yard requirements. Ms. Ormsby asked about what determination would be made by the Director, as depicted in Paragraph 7 of Section 8-922. She requested clarification about the exclusion of certain special permit plat submission requirements, such as existing vegetation and stormwater management information, as depicted in Paragraph 2 of Section 8-011. She pointed out that Paragraph 8 of Section 8-922 did not refer to visual or aesthetic impacts and that Paragraph 9 of Section 8-922 did not address judgment of whether accommodation of a proposed structure on a lot was necessary. Ms. Ormsby noted that the architectural depictions in Paragraph 12 had excluded more serious submission considerations, as mentioned in Paragraph 7. She questioned the difference in filing fees between R-C lots and single-family dwelling lots, as indicated in Paragraph 1 of Section 18-106. (A copy of her remarks is in the date file.)

Responding to a question from Commissioner Hart, Ms. Pesto explained that a homeowner would have to file a Proffered Condition Amendment or a Final Development Plan Amendment to propose a reduction in the cumulative minimum yards in a P-District where there were either proffered minimum yards or a FDP depicting the minimum yards.

In response to a question from Ms. Ormsby, Ms. Pesto indicated that certain older P-District rezonings that had unproffered, unplanned yards would be the only P-District lots that would be applicable in this proposed special permit process.

Fran Wallingford, 3311 Mantua Drive, Fairfax, said she believed the Board of Supervisors and the Planning Commission should retain their land use authority and not give it to the BZA. She expressed concern that the proposed 150 percent cap would provide additional costs to homeowners who were attempting to modernize their homes, which in most cases would not be limited by 150 percent. She suggested that lots that were one acre or greater not be subject to this requirement.

Responding to a question from Commissioner Hall, Ms. Pesto said staff preferred that additions to existing structures meet the setback requirements. She stated that an existing structure could be expanded and a garage addition could be constructed at the same time either within the required setbacks or possibly through the special permit process.

Commissioner Hart requested that Ms. Wallingford provide suggestions regarding possible alternatives to the proposed 150 percent cap provision. Ms. Wallingford agreed to this request.

Commissioner Hart commented that special exception approval was not a solution at this time because it was outside the scope of advertising and pointed out that it would have financial implications due to an increase in the number of applications which would have to be heard by the Planning Commission and the Board of Supervisors.

John Mark Zetts, 6640 Kirby Court, Falls Church, representing the Kirby Court Homeowners Association, recommended that Paragraph 3 of Section 8-922 be amended to read: "Any existing accessory structure shall comply with the minimum yard requirements in effect when the accessory structure was established." He further recommended that the first sentence of Paragraph 4 of Section 8-922 be revised to limit, in perpetuity, the size of the principal structure on any lot subject to a yard reduction special permit and allow the BZA to disallow any gross floor area added to the original structure when calculating the 150 percent increase of allowable total gross floor area. Mr. Zetts proposed that the following text be inserted in Paragraph 9 of Section 8-922: "The BZA shall determine that the minimum yard request has a basis in some unique or unusual circumstance." He said the applicant should be required to demonstrate the sufferance or potential sufferance of a hardship, which had not been self-imposed. He expressed concern that the BZA would grant the special permit, not because the applicant had demonstrated clear evidence of an unusual circumstance, but because there was no neighborhood opposition. (A copy of his remarks is in the date file.)

In response to a question from Commissioner Hart, Ms. Pesto explained that a basement with a height more than 50 percent above ground level would count toward the gross floor area; whereas, a cellar with a height more than 50 percent below ground would not be counted.

Dale Murad, 6131 Tompkins Drive, McLean, representing the McLean Citizens Association, suggested that staff evaluate whether relief at all was necessary by determining whether there was a hardship or a reason why the Zoning Ordinance did not apply to the given situation. He expressed concern that the County would not be able to challenge situations similar to the Cochran case if this type of special permit authority was delegated to the BZA.

Responding to a question from Commissioner Hart, Mr. Murad noted that the McLean Citizens Association had opposed the application of the proposed Amendment to non-residentially zoned properties in commercial and industrial districts, but not to non-residential uses in residential districts.

In response to a question from Commissioner Hart, Ms. Pesto said staff believed that this Amendment should be applicable to nonresidential structures that would not be able to expand and/or make improvements given the lot configuration, size of the lot, number of front yards, or changes in regulations since the structure had been originally constructed. She stated that the Amendment would also allow certain properties in a revitalization area or a Commercial Business Center to redevelop or undergo improvement. Ms. Pesto indicated that the BZA had the authority to add conditions to a special permit application regarding transitional screening or buffers, which could exceed the current requirements.

Wallace Sansone, 1962 Virginia Avenue, McLean, representing the Franklin Area Citizens Association, recommended that the Planning Commission defer decision to consider stronger standards. He said the proposed Amendment would lower the County's zoning standards and cause damage to homeowners' property rights and the environment. He pointed out that the proposed standards were unnecessary, lacked justification, were not in harmony with the existing law, and were contrary to the public's interest. Mr. Sansone stated that the BZA had

misinterpreted the *Cochran v. Board of Zoning Appeals* ruling, noting that the BZA could properly satisfy variance applications under the existing law by acting reasonably. He commented that amending the zoning law to accommodate variances through a new special permit process would result in major changes to land use in the entire County. (A copy of his remarks is in the date file.)

Commissioner Hart pointed out that not all other jurisdictions in Virginia continued to grant variances prudently as Mr. Sansone had claimed in his e-mail correspondences to the Commission. He requested that Mr. Sansone provide data to support or dismiss his allegation.

Dan Stegner, 8509 Virginia Avenue, Annandale, expressed support for the Amendment because it would allow flexibility for homeowners to improve their properties. He suggested that the proposed language be revised to provide a fair and equitable opportunity to all homeowners, regardless of whether the request was for an addition, tear-down and rebuild, or new construction. He said the requirement to retain at least 50 percent of an existing structure would pose a safety issue because many older homes did not meet the current safety code standards. Mr. Stegner noted that complete rebuilds would cause the structure to be safer and environmentally sound and would maintain the character of the surrounding neighborhood. He recommended that language be added to restrict the proposed special permit process to homeowners, impose a time limit requirement of ownership, and examine each application on its own merit. He pointed out that his property currently met the minimum requirements for the R-3 District but was held to R-1 standards, which it did not meet.

Steve DelBianco, 1920 Virginia Avenue, McLean, representing the Fairfax County Federation of Citizens Associations, recommended that the Planning Commission defer the proposed Amendment until additional standards were included to limit special permit use. He outlined the proposed standards as set forth in the federation's draft resolution, a copy of which is in the date file: absence of a reasonable alternative, resulting total impervious surface coverage not to exceed 25 percent, no increase in the yield of allowable dwelling units on the property, and demonstration that the relief sought would be consistent with any applicable homeowners and/or citizens association covenants.

Responding to questions from Commissioner Hall, Ms. Pesto stated that the granting of a special permit would be independent of any private covenants applied to a particular property; however, consideration could be given to certain conditions imposed by a homeowners association.

Mr. DelBianco explained that the Federation had requested that the County require the applicant to provide a document signed by the homeowners association representative that demonstrated the applicant had taken the steps necessary to fulfill the covenants. Commissioner Hall replied that this request would be difficult to enforce.

Commissioner Wilson suggested that special permit applicants be required to disclose whether they were subject to homeowners association covenants. Ms. Pesto replied that staff would discuss this suggestion with the County Attorney's Office, but it would most likely be outside the scope of advertising. She said that Mr. DelBianco's requested additional standard regarding

covenants would also be outside the scope of advertising and would need to be discussed with the County Attorney's Office.

Commissioner Lawrence suggested that staff receive feedback from the County Attorney's Office on both proposals; however, he said he preferred Commissioner Wilson's suggestion.

Commissioner Alcorn recommended that staff consider an additional standard to ensure that applicants were aware of their homeowners association covenants if the procedural issues were addressed regarding the scope of advertising.

Commissioner de la Fe pointed out that proffers or development conditions affecting properties in Reston were required to ensure that the proposed development was reviewed by the appropriate board, which was considered a private covenant.

Commissioner Hart commented that covenants were often disputed and it would be difficult to determine if they were in compliance with the Zoning Ordinance. He said it should be made clear in the Zoning Ordinance Amendment that special permit approval would not invalidate covenants.

James Rowsey, 4906 Loosestrife Court, Annandale, expressed opposition to the Amendment and said the Cochran ruling had reaffirmed existing strict standards. He suggested that the applicants of the 60 pending variance applications be given the opportunity to withdraw their applications with the return of their filing fees or to move forward.

Michael Jabaley, 4805 Sligo Lane, Annandale, spoke in support of the Amendment, particularly the proposed 50 percent extension into the setback. He indicated that special permit approval would allow him to replace his car port with a garage and a bedroom above it. He said the Amendment would encourage a fair process that included community input and protected community standards and would not reduce the zoning standards. Mr. Jabaley noted that the additional legal implications would allow the proposed standards to withstand a court challenge. He recommended that the Amendment not be further deferred in order to provide relief to many of the homeowners who have been waiting to continue with their renovation plans.

In response to a question from Commissioner Wilson, Mr. Jabaley pointed out that none of the other three houses on his cul-de-sac with enclosed garages had a second floor above them; however, he said the design of his addition would be harmonious with the existing lines of the other houses, although he was uncertain whether they were in compliance with the Zoning Ordinance.

Teresa Harper, 877 Dolley Madison Boulevard, McLean, spoke in favor of the proposed Amendment because it would allow the BZA the opportunity to consider a 50 percent reduction in side yards. She said she owned a structure that had been constructed prior to the first Zoning Ordinance, which had existed in harmony with the character of the community for over 90 years, and requested that it remain.

Steven Driscoll, 1859 Massachusetts Avenue, McLean, indicated his support of the Amendment because it would allow him to make desired improvements to his house. He noted, however, he was against the fourth standard restricting the size of an addition to 150 percent of the total gross floor area of the principal structure. He suggested other ways to restrict the size of an addition, such as tying the allowable square footage to the setback of the house or the lot, setting ranges of square feet, or assigning a percentage of the existing square footage.

Bruce Allison, 2842 Brook Drive, Falls Church, also supported the proposed Amendment because it would help prevent complete teardown and construction of homes that would be inharmonious with the surrounding neighborhood and permit reasonable renovations that would maintain the character of the neighborhood. He indicated that special permit approval would allow him to add a bathroom to his master bedroom.

Tracy Janosko, 2843 Meadow Lane, Falls Church, spoke in support of the Amendment because it would allow her to extend the rear of her home for a larger living area and kitchen.

Tara Linne, 2830 Meadow Lane, Falls Church, also spoke in favor of the Amendment because it would allow the replacement of her deteriorating side porch with a garage, an additional bathroom, and construction of a portico over her existing front porch.

Dan Coffing, 9500 Braddock Road, Fairfax, expressed support for the proposed Amendment. He said homeowners should have more leeway to delineate their property boundaries.

Jon Bolstad, 2901 Mother Well Court, Herndon, indicated his support of the Amendment to allow him the opportunity to apply for a special permit to extend into the setback by four feet in order to add a screen porch on his existing deck.

Henry Pohl, 3222 Nestlewood Drive, Herndon, also supported the proposed Amendment because it would allow homeowners the opportunity to make minor modifications or additions to their older homes. He noted that an addition could be added to the front of his house by-right, but it would not be compatible with his neighborhood; however, he would not be able to add to the rear of his house because it would encroach into the setback.

There being no further speakers, Vice Chairman Byers called for concluding staff remarks from Ms. Pesto, who declined.

Responding to a question from Commissioner Hall, Ms. Pesto explained that there would be no requirement for applicants to specify on a plat whether their home received public water; however, there was a requirement to specify a well on a plat because that would have implications as to where a structure could be located.

There were no further comments or questions from the Commission; therefore, Vice Chairman Byers closed the public hearing and recognized Commissioner Hart for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Hart MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON THE PROPOSED ZONING ORDINANCE AMENDMENT ON YARD MODIFICATIONS, TO A DATE CERTAIN OF JUNE 14, 2006, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN COMMENT.

Commissioners Lawrence and Hopkins seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners Lusk and Murphy absent from the meeting.

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The meeting was adjourned at 11:16 p.m.

John R. Byers, Vice Chairman

Suzanne F. Harsel, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Kara A. DeArrastia

Approved on: _____

Linda B. Rodeffer, Clerk to the
Fairfax County Planning Commission